[Constitution as of July 1, 1947]

652 646 Art. 113. The Supreme Soviet of the Georgian SSR elects a Budget Commission which reports its conclusions on the state budget of the Georgian SSR to the Supreme Soviet.

Art. 114. Upon its approval by the Supreme Soviet of the Georgian SSR the state budget of the Georgian SSR is published for general information.

Art. 115. The report on the fulfilment of the state budget of the Georgian SSR is approved by the Supreme Soviet of the Georgian SSR and published for general information.

652 631 Art. 116. The budget of the Abkhazian and Adjar Autonomous Republics and the South Ossetian Autonomous Region and the local budgets of district, city, settlement and village Soviets of Working People's Deputies include the revenues from the local economy, deductions from state revenues collected within their territory and likewise receipts from local taxes and imposts in amounts fixed by the laws of the USSR and the Georgian SSR.

Chapter X. The Courts and the Procurator's Office

692 Art. 117. In the Georgian SSR justice is administered by the Supreme Court of the Georgian SSR, the Supreme Courts of the Abkhazian and Adjar Autonomous Republics, the Court of the South Ossetian Autonomous Region, the Special Courts of the USSR established by decision of the Supreme Soviet of the USSR, and the People's Courts.

[643] Art. 118. In all Courts cases are tried with the participation of people's assessors, except in cases specially provided for by law.

Art. 119. The Supreme Court of the Georgian SSR is the highest judicial organ of the Georgian SSR. The Supreme Court of the Georgian SSR is charged with the supervision of the judicial activities of all the judicial organs of the Georgian SSR, the Abkhazian and Adjar Autonomous Republics and the South Ossetian Autonomous Region.

[646] Art. 120. The Supreme Court of the Georgian SSR is elected by the Supreme Soviet of the Georgian SSR for a term of five years.

Art. 121. The Supreme Courts of the Autonomous Republics are elected by the Supreme Soviets of the Autonomous Republics for a term of five years.

Art. 122. The Court of the South Ossetian Autonomous Region is elected by the Soviet of Working People's Deputies of the South Ossetian Autonomous Region for a term of five years.

Art. 123. People's Courts are elected by the citizens of the district on the basis of universal, direct and equal suffrage by secret ballot for a term of three years.

695 563 Art. 124. Judicial proceedings in the Georgian SSR are conducted in the Georgian language, or in the languages of the Autonomous Republics or of the Autonomous Region, persons not knowing

695 these languages being guaranteed the opportunity of fully acquainting
[573] themselves with the material in the case through an interpreter and likewise the right to use their own language in court.

Art. 125. In all Courts of the Georgian SSR cases are heard in public, unless otherwise provided for by law, and the accused is guaranteed the right to defence.

693 Art. 126. Judges are independent and subject only to the law.

Art. 127. Supreme supervisory power to ensure the strict observance of law by all Ministries and institutions subordinated to them, as well as by officials and citizens within the territory of the Georgian SSR generally, is exercised by the Procurator-General of the USSR directly and also through the Procurator of the Georgian SSR.

Art. 128. The Procuratom of the Georgian SSR, of the Autonomous Republics and of the Autonomous Region are appointed by the Procurator-General of the USSR for a term of five years.

Art. 129. District and city procurators are appointed by the Procurator of the Georgian SSR subject to the approval of the Procurator-General of the USSR for a term of five years.

Art. 130. The organs of the Procurator's Office perform their functions independently of any local organs whatsoever, being subordinate solely to the Procurator-General of the USSR.

Chapter XI. Fundamental Rights and Duties of Citizens

641 Art. 131. Citizens of the Georgian SSR have the right to work,
461 that is, the right to guaranteed employment and payment for their work in accordance with its quantity and quality.

The right to work is ensured by the socialist organisation of the national economy, the steady growth of the productive forces of Soviet society, the elimination of the possibility of economic crises and the abolition of unemployment.

[446] Art. 132. Citizens of the Georgian SSR have the right to rest and leisure.

The right to rest and leisure is ensured by the establishment of an eight-hour day for factory and office workers, the reduction of the working day to seven or six hours for arduous trades and to four hours in shops where conditions of work are particularly arduous, by the institution of annual vacations with full pay for factory and office workers, and by the provision of a wide network of sanatoria, rest homes and clubs for the accommodation of the working people.

657 Art. 133. Citizens of the Georgian SSR have the right to
6411 maintenance in old age and also in case of sickness or disability.

This right is ensured by the extensive development of social insurance of factory and office workers at state expense,

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4. ORDEAL

695 In cases where decisions were difficult, and where the judges were not able to detect the guilt of the suspect, they resorted to the ordeal, which had, in the eyes of the people, the meaning of God's judgment, since they believed that "by the issue of the ordeal the gods themselves were held to show on which side the right was."[38]

The ordeals used by the Georgian Highlanders were the same as those in universal practice in the ancient Georgian legislation, when the people were governed by custom, and which were later included in the famous Georgian Code of King Vakhtang VI.

Prince Vakhusht relates in his work that in order to find out who was the guilty party suspected in a theft, boiling water and a hot iron were used in Georgia.[39]

The ordeals which were practiced by the Georgians were: (1) the water ordeal, (2) the hot iron ordeal, and (3) the boiling water ordeal.

The water ordeal consisted of the following procedure: The suspected criminal or criminals, together with their accuser, were led to the bank of a river. Their hands and feet were then tied with cords, and in this condition they were thrown into the river. The person whose body remained on the surface of the water was regarded as the guilty one, and was consequently punished. The people believed that the body of a culprit was always rejected by the river, and that the innocent one was kept by the water. Consequently, the person whose body remained under water was considered innocent.

791 Nobody in Megrelia doubts the existence of sorcerers and 695 witches, and because of this belief there have been cases of a 754 highly dramatic nature. For example, after the Turkish War, in the villages near the town of Zugdidi, the epizooty broke out. This phenomenon was ascribed by the people to the action of witches, and in order to find out who they were, a Turk from the neighboring Georgian province of Samursakan was called. The

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[38] Hartland: 175.
[39] Vakhusht: 6-7.

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Turk was famous for his ability to discern witches. Arriving at the village, the Turk ordered all the old women of the village to be called together and thrown into the river. Those who sank were cleared of suspicion, but those who did not were pronounced witches. A few unfortunate women who were kept afloat, perhaps by their clothes, were pronounced guilty of the practice of witchcraft and responsible for the calamity.[40]

During the procedure of the hot iron ordeal, as practiced by the Georgians, an iron shred from a plow was heated until it was as red as burning coal; then it was placed on an elevated place in such a manner that it would be easy for a man to put his hands under it. Paper was put on the hands of the suspect, and he was obliged to take the iron with his hands, take three steps, and then throw it away. After this his hands were immediately bandaged and kept so for three days, after which time the bandages were removed. If his hands were not burned, the suspect was liberated; if they were, he was regarded as guilty and was therefore punished.

In the execution of the hot water ordeal, a boiler or big pot of boiling water was used. Into this was thrown a piece of iron, usually a horseshoe, which, with the introduction of Christianity, was changed to a small iron cross. The suspect was obliged to take the piece of iron out of the boiling water with his bare hand. After this the procedure was the same as in the hot iron ordeal; that is, the hand was wrapped and kept so for three days, after which the bandages were removed. If the hand showed no marks of burns, the suspect was pronounced innocent; otherwise, he was punished as guilty of the crime.

The ordeals practiced by the Tushes were the use of boiling water and hot iron. Here is a case known to me, in which boiling water was used. In a mill a number of women were suspected of having stolen a sack of flour. In order to detect the thief, it was decided to boil some water and put a horseshoe in it; the woman who burned her hand in taking it out would be adjudged guilty. Only one, by the name of Jabiani, proved to be uninjured after the test, and she was consequently acquitted. The rest of the women

[40] Borozdin: 34.

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● 695 were considered to be participants in the crime and were punished. There were cases, however, when the person found guilty after the test by ordeal could be liberated from the punishment; this could occur only when the *kadagi* (prophet or fortune-teller) announced in the name of St. George that the culprit must be freed without any retaliation. Then a thank-offering was brought to the patron saint, consisting of a quantity of beer, and a sheep or cow to be sacrificed; after which the criminal was cleared before the members of his community.[41]

Interesting details concerning the ordeal of the boiling water as practiced in 17th century by the Georgians of Megrelia are described by the Italian missionary, Archangelo Lamberti.[42] "When the evidences of guilt of a suspect are not clear," writes Lamberti, "then Megrelians test the suspect with boiling water. For this procedure they have a special boiler one palm in diameter and two in circumference. This is filled with water, and a small iron cross placed on the bottom; a fire is made under the boiler. This fire, they say, must by all means be made from grape branches, which the accused must find himself and carry on his shoulders to the assigned place. When the water is boiling vigorously, the accused must put in his bare hand and take the iron cross from the bottom. Immediately after he withdraws his hand, attendants put it in a linen sack, bind it at the elbow, and seal it up. After three days the man is brought to the master, the hand is unbound and examined thoroughly. If there are no marks of burns on the hand, the suspect is dismissed as innocent. In the contrary case, where the hand is scalded, he is declared guilty and is punished without any hesitation."

The other method besides ordeal, whereby the decision was placed in the hands of supernatural power, was the duel. In certain cases the duel in Georgia[43] was formerly fought on horseback, with swords, between the accused and the accuser. The one thrown from his horse was regarded as the guilty party, and as

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[41] Khakhanov: a, 54-5.
[42] Lamberti: 85.
[43] Vakhusht: 7.

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punishment his head was cut off and his property confiscated.[43] In case of grace, he was left alive, but his eyes were put out. Such a duel was required of traitors to the king, denouncers and blasphemers of idols and, later, of churches.

A custom similar to that just mentioned, the use of the duel for judicial decisions, was also formerly used in Megrelia.[44] When the evidences of guilt of two suspects were not clear, and it was difficult to detect the real culprit, the lord of the country ordered them to fight in the arena. "The time and place were fixed, and seconds were chosen. On the appointed day, both men appeared on horseback, wearing coats of mail, carrying shields, lances and swords, and accompanied by large numbers of armed friends. At a given signal they rushed upon each other, and the one who first received a wound was considered guilty. If both were wounded simultaneously, they both were pronounced guilty and severely punished."

5. OATH

By using the ordeal in judicial proceedings, the Georgian Highlanders looked to the Supreme Being to decide the guilt or innocence of the suspect. Besides being the judge, the Supreme Being was also invited to be a witness to the truthfulness of a given testimonial or statement in the process of taking an oath. This appeal to God meant that in case of false testimony, the person taking the oath submitted himself to God's punishment. In both cases, in ordeal and in oath-taking, we have the same phenomenon, the Deity acting as judge. The difference lies in the attitude of the accused: in the first instance, his role is active; in the second, when taking an oath, it is passive.

The substance of the oath is clearly shown in the Pshav ceremony of taking an oath, in which, simultaneously with the sacred words customarily uttered by the person taking the oath, the priest (*khevis-beri*) pours out the sacred beer from a cup with these words: "May the person who takes this oath, and his community be spilled and scattered as this beer, if he is not telling the truth."

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[44] Lamberti: 86, 87.

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695 778 Prince Vakhusht[45] relates the usage of taking the oath in Georgia: "The oath is taken in the case of an insignificant offense," he writes, "at trials for thefts and in property disputes."

The oaths are taken in the name of the holy images, of sanctuaries, of dead ancestors, in the name of Queen Thamar and her son Lasha (by the Pshavs), in the name of "Mother Earth" (*deda mitsa*), in the name of children and husband (by married women), in the name of brother (by sister). The oaths have been taken also upon the carcass of a cat,[46] and upon a blacksmith's anvil.

"They consider cats also as some sort of sacred animal, as the ancient Egyptians did," writes Gulbiani about the Svans, "and they never, for any price, will agree to kill a cat, which they consider a great sin."[47]

I myself have been told many times that to kill a cat is a great sin, and that he who commits this act will have after his death *Tskhratsodva*, meaning in English, nine sins.

Besides the cat, the blacksmith's anvil was regarded as possessed of supernatural power, and was also used as a medium in taking an oath. "The Georgians of Samurzakan take an oath upon it and believe that the oath-breaker will be severely punished with some sort of misfortune."[48] The details concerning the beliefs of the people regarding the blacksmith's anvil are described in the chapter on sex and religion.

695 The Tushes had two ways of taking an oath.[49] Either the man who was taking the oath must walk thrice around the altar with the sacred standard and then take the oath; or the ceremony took place, not in the sanctuary as mentioned, but near the graves of the oath-taker's ancestors. The man knelt, and before him were placed the saddle of an ass and a vessel used for feeding dogs. The persons present at the ceremony addressed the dead with these words: "Our deceased! We are bringing this man to your justice; give him to whom you may desire in sacrifice and servi-

[45] Vakhusht: 7.
[46] Stepanov: 90.
[47] Gulbiani: 91.
[48] Machavariani, Bartolomei: 81.
[49] Zisserman: 250; Khakhanov: a, 54.

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tude if he will not say the truth." After this the accused took the oath.

Among the Khevsurs and Pshavs, when the judges have difficulty in their decision, they allow the accused to take the oath, which consists of the suspect giving vow to the truthfulness of his words.[50] In important cases another kind of oath is used, which is taken in the presence of witnesses, one from each community. As the person taking the oath and the witnesses are obliged before the ceremony to keep themselves in purity, they have no right to cohabit with their wives, and on the day appointed for the ceremony must neither eat nor drink. When the judges, the attendants of the sanctuary, and the people of the community are assembled, the man taking the oath approaches the sanctuary with his witnesses. He takes the sacred standard and the silver cup, and recites the oath as proof of the truthfulness of his testimony. At this time the witnesses put their hands on his shoulders and after every sentence uttered by the man taking the oath they all say amen. If the witnesses do not appear in the sanctuary for the ceremony, the oath is not regarded as effective.

Taking the oath also plays a very important role with other groups of the Georgian nation. For example, the Megrelians use it in solving doubtful cases.

A Megrelian has not only deep reverence for the *khati*,[1] but also a great fear, which compels him to confess his delinquency, if not at the moment of taking the oath, at least later, sometimes after a long interval. The number of witnesses depend upon the importance of the case. Witnesses do not willingly accept this office, and their hesitation in taking part in the ceremony is based on the current belief of the people that a falsely taken oath will punish every participant in the proceedings during all his life. Consequently, the possible lack of success in enterprises or different troubles following one after the other, such as the death of relatives, bad harvest, epizooty and other evils, convince the Megrelian that the cause of all these calamities is the falsely taken oath. In such a case he goes to the party who has lost the case

[50] Eristov: 132.

[1] [i.e., sanctuary; see cat. 116, p. 25 ff. — Analyst]

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695 783 577 and pays him dearly in order that he may free him from the oath. Sometimes not only the witness but even the person who took the oath and won the case is brought to the conviction, in the same way as already stated dealing with witnesses, in the falsity of testimony given by him, and consequently he returns not only everything received by him through the judges, but also pays voluntarily a high fine in order to be freed from the oath.

As an illustration of this superstitious belief connected with the process of taking an oath, we may mention a certain appeal of a Megrelian made in court.[51] The petitioner had asked the court to take measures in endorsing his request, which was based on sheer superstition and was deeply engraved on the mind and conscience of the people as a custom inherited from their ancestors. "Fifteen years ago," said the Megrelian, "I had a dispute with my neighbor about land. We had a hearing, and when I took the oath, with ten witnesses admitted by the plaintiff, the land was given to me. From that time on I owned the property, and two years later sold half of it to the priest. Soon afterward, one misfortune after another began in my home, and I was convinced that the cause of all this was the falsely taken oath. In order to free myself from the calamity, I returned the land to the neighbor, but the priest will not return his portion for any price, and now I have come to ask the court to order the priest to sell back to me his portion of the land, and I will give a higher price than that fixed by our honest neighbors. If I am not freed from this oath I will be a most unhappy man." The authorities ignored this petition, but the priest was obliged to yield to the persistent demands of the man and his relatives and finally returned the land with great profits. In getting back the land, the Megrelian was satisfied, and his provoked conscience was calmed.

695 785 789 577 This fear of the people before the holy image (*khati*) and the endeavor to appease its anger are based on the belief that everyone is able to put a curse on his enemy before a *khati,* for which he has to pray and ask the deity to punish his antagonist. Consequently, according to the people's opinion, the offender will be

[51] Borozdin: 36.

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severely punished by the *khati* not only during his earthly life but also after his death in eternity. This procedure, so dreaded by the Megrelians, is known by them under the name of *khatis genochama*, meaning in English, "transmission to the *khati*." When someone among them finds that he is cursed, or, to use the Megrelian expression, *genochamilie* (meaning "is given over") by his enemy he hastens to make peace with him and satisfies all his claims in order, as they say, "to be freed from the wrath of *khati*."

But there is a way to avoid the anger of *khati* in giving false testimony. The man by taking an oath is not always obliged to tell "the truth and only the truth," but he may also lie and escape unpunished, with a clear conscience and peace in his criminal heart. To do this, he concludes some sort of contract or rather promises a bribe to the *khati* consisting of some sort of offering, such as a cow or sheep. This fact is described by the Italian A. Lamberti, as observed by him among the Georgians of Megrelia. "By small evidences the Megrelians have the custom," writes A. Lamberti,[52] "of permitting the accused to exculpate himself by taking an oath. The oath must be taken before any one of the holy images. The plaintiff chooses the holy image, and also the sanctuary where the accused (defender) must take the oath. This place is kept in secrecy by him, because if the accused finds out the place appointed for the ceremony he will present himself before the holy image the day before the appointed time, kneel before it and say: 'Thou knowest well that I have committed the crime and that I am confessing now on my knees to you and declaring my guilt; may this confession remain between us both, and as I have fulfilled my duty toward you with this confession, (please) forgive me if in the presence of the others I shall deny my guilt. In order that thou wilt not be angry with me I pledge thee a cow (or sheep).' After this secret confession he counts his conscience clean, and in taking the oath officially before this image he is convinced that he has full right to lie and still be unharmed."

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[52] Lamberti: 86.